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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,710	02/20/2002	Michael K. Speyrer	064751.0329	1249
45507	7590	04/07/2006	EXAMINER	
BAKER BOTTS LLP 2001 ROSS AVENUE 6TH FLOOR DALLAS, TX 75201				FRANCIS, MARK P
		ART UNIT		PAPER NUMBER
				2193

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/081,710	SPEYRER ET AL.	
	<b>Examiner</b> Mark P. Francis	<b>Art Unit</b> 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. This action is responsive to the amendment filed December 30, 2005.
2. Per applicants' request, claims 1,8, and 17 have been amended.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter(U.S. Pat 5,907,705) in view of Kelbaugh. (U.S. Pub 2002/0049962)

Regarding claims 1 and 8,

Carter shows an integrated electronic process for reviewing a development project to evaluate for potential defects in a product under development(See Abstract, "...evaluator...integrated into...a software bug database...", e.g. See Fig. 2 and related text), comprising: entering the accepted potential defects into an action request database;(Col 3:49-67, "...list of bugids...", Col 4:1-40, "...checks the bug tracking system...") and confirming that accepted potential defects have been removed from the record of potential defects by completion of a rework action(Col 4:55-67, "...and logs the

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action...", Col 5:1-67, "...RTI Cancellation...") but does not show creating an evaluation

review header identifying a peer review moderator, author and task leader; creating a

peer review team identifying the review team members and the roles of the author and

the moderator;

identifying potential defects within the roles of the author, moderator and the review

team members and generating a database record of potential defects;

review the database record of potential defects by the author, moderator and review

team members to evaluate identified potential defects for acceptance or rejection;

remove the accepted potential defects from the database record of the potential defects;

Kelbaugh shows creating an evaluation review header identifying a peer review

moderator, author and task leader;(Col 4:0091-0098, "...a translator's computer, a

developer's computer,...a tester...")

creating a peer review team identifying the review team members and the roles of the

author and the moderator;(Col 3:14-46, "...A Change Review Team...", Col 4:0093-

0094, "...project coordinator...")

identifying potential defects within the roles of the author, moderator and the review

team members and generating a database record of potential defects;(Col 5:0104-0110,

"...the master bug log...")

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performing a committee review of the database record of potential defects by the author, moderator and review team members to evaluate identified potential defects for acceptance or rejection;(Col 4:0097, "...reviews the bug queue...") removing the accepted potential defects from the database record of the potential defects;.(Col 4:0099, "...views the bugs in the queue, then modifies...", Col 6:0117-0120, "...may choose to reject a bug which removes...") in an analogous system for the purpose of providing a product testing and bug tracking apparatus, which advantageously permits a twenty-four hour a day, seven days a week, communication capability between game testers, project coordinators, game developers and others involved in the testing and debugging process.(Kelbaugh:Col 1:0007)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to identify, review and modify potential defects from a database of potential defects to Carter's invention .

The modification would have been obvious because one of ordinary skill in the art would have been motivated providing a product testing and bug tracking apparatus, which advantageously permits a twenty-four hour a day, seven days a week, communication capability between game testers, project coordinators, game developers and others involved in the testing and debugging process. (Kelbaugh:Col 1:0007)

Regarding claim 17,

Carter shows A distributed peer review system for reviewing a development project to evaluate for potential defects in a product under development (See Abstract, "...evaluator...integrated into...a software bug database...", e.g. See Fig. 2 and related text), comprising:

a plurality of personal computers interconnected as a network, wherein at least one of the personal computers comprises a program to(Col 7:1-25, "...and connected thereto by a Wide Area Network(WAN), Local Area Network (LAN),..."), Col 7:39-67, "...further includes program code...")

generate a report identifying potential defects within the rules of an author, moderator and review team members;(Col 6:1-43, "...Database reports...", Col 8:45-67, "...to select a role...")

generating a defects report from a committee review of the potential defects by the author, moderator and review team members, the report identifying potential defects for acceptance or rejection; (Col 4:40-67, "...changes the state of the RTI to "approved"...", Col 6:6-42, "...Database reports...")

and generate a summary report tracking the rework of accepted defects until the rework of an accepted defect has been completed;(Col 4:0099, "...views the bugs in the queue, then modifies...", Col 6:0117-0120, "...may choose to reject a bug which removes...") but does not show generating an action request database for accepted potential defects;

Kelbaugh shows generate an action request database for accepted potential defects; (Col 4:0097, "...reviews the bug queue...", Col 5:0104-0110, "...the master bug log...") in an analogous system for the purpose of providing a product testing and bug tracking apparatus, which advantageously permits a twenty-four hour a day, seven days a week, communication capability between game testers, project coordinators, game developers and others involved in the testing and debugging process.(Kelbaugh: Col 1:0007)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to identify, review and modify potential defects from a database of potential defects to Carter's invention .

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a product testing and bug tracking apparatus, which advantageously permits a twenty-four hour a day, seven days a week, communication capability between game testers, project coordinators, game developers and others involved in the testing and debugging process.(Kelbaugh: Col 1:0007)

Dependent claims

Regarding claims 2,11, and 20, the rejection of claims 1,8, and 17 are incorporated respectively and further, Kelbaugh discloses that identifying :potential defects comprises

selecting a defect type.(Col 4:0096-0099, "a master bug log...for identified bug number 25...")

Regarding claims 2,11, and 20, the rejection of claims 1,8, and 17 are incorporated respectively and further, Kelbaugh discloses that selecting a defect type comprises one or more of the following:

selecting an omission indicating a required item was not included;(Col 5:0110, "...selecting the queue...")

selecting an inclusion indicating the inclusion of an item not required;(Col 5:0110, "...selecting the queue...")

selecting compliance indicating an artifact does not meet established standards; ;(Col 5:0110, "...selecting the queue...")

selecting testability indicating a function or capability either cannot be tested or violates specific testing guidelines; ;(Col 5:0110, "...selecting the queue...")

and

selecting efficiency indicating production of the correct results. ;(Col 5:0110, "...selecting the queue...")

Regarding claims 4,13, and 21, the rejection of claims 1,8, and 20 are incorporated respectively and further, Kelbaugh discloses that identifying potential defects comprises selecting a defect reason.(Col 5:0106, "...will have access to a video tape of screen displays showing the bug...")

Regarding claims 5 and 14, the rejection of claims 4 and 13 are incorporated respectively and further, Kelbaugh discloses the integrated electronic process as in wherein selecting a defect reason comprises one or more of the following:

selecting scope indicating a customer change resulted in a defect; (Col 5:0102-0110, "...selecting the queue...")

selecting unaware indicating the lack of awareness of pertinent and available information or making of an incorrect assumption;

selecting mistake indicating a defect by mistake; (Col 5:0102-0110, "...selecting the queue...")

selecting misapplied process indicating an incorrectly executed process step; (Col 5:0102-0110, "...selecting the queue...")

selecting incorrect process indicating a defect caused by an incorrect process step; (Col 5:0102-0110, "...selecting the queue...")

selecting unclear process indicating a defect caused by not clearly defined information; (Col 5:0102-0110, "...selecting the queue...")

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selecting no process indicating a defect caused by ad hoc procedures for a situation not covered by a documented process (Col 5:0102-0110, "...selecting the queue...")

and selecting reuse indicating an inherent item defect previously assumed to be defect-free. (Col 5:0110, "...selecting the queue...")

Regarding claim 9, the rejection of claim 8 is incorporated and further, Kelbaugh discloses comprising monitoring the rework of an accepted defect for removal from the action request database. (Col 4:0096-0099, "a master bug log...for identified bug number 25...")

Regarding claim 10, the rejection of claim 9 is incorporated and further, Kelbaugh discloses comprising confirming that accepted potential defects have been removed from the record of potential defects by completion of a rework action. (Col 5:0103-0106, "...based upon a variety criteria...", (Col 4:0099, "...views the bugs in the queue, then modifies...", Col 6:0117-0120, "...may choose to reject a bug which removes...")

Regarding claim 18, the rejection of claim 17 is incorporated and further, Kelbaugh discloses that the program further comprises creating a database of accepted potential defects removed from the record of potential defects. Col 5:0104-0110, "...the master bug log...")

Regarding claim 19, the rejection of claim 17 is incorporated and further, Kelbaugh that the plurality of personal computers comprises a first local area network and a second remote local area network.(Col 3:0088-0089, "...a local area network...VPN...")

Regarding claims 6,15, and 22, the rejection of claims 1,8, and 21 are incorporated respectively and further, Kelbaugh discloses that identifying potential defects comprises selecting a defect category.(Col 5:0103-0106, "...based upon a variety criteria...")

Regarding claims 7 and 16, the rejections of claims 6 and 15 are incorporated respectively and further, Kelbaugh discloses that selecting a defect category comprises one or more of the following:

selecting not properly handling previous data indicating improper initialization of a variable; (Col 5:0102-0110, "...selecting the queue...")

selecting legacy or debug code caused an error; (Col 5:0102-0110, "...selecting the queue...")

selecting wrong data value or data field used indicating an incorrect data value or use of an incorrect data field; (Col 5:0102-0110, "...selecting the queue...")

selecting timing errors; (Col 5:0102-0110, "...selecting the queue...")

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selecting conversion or calculation errors; (Col 5:0102-0110, "...selecting the queue...")

selecting functions enabled/disabled incorrectly; (Col 5:0102-0110, "...selecting the queue...")

selecting some action was or was not taken when an event occurred; (Col 5:0102-0110, "...selecting the queue...")

selecting incorrect data file or table error; (Col 5:0102-0110, "...selecting the queue...")

selecting interface errors; (Col 5:0102-0110, "...selecting the queue...")

selecting inadequate range/error checking; (Col 5:0102-0110, "...selecting the queue...")

selecting configuration control error; (Col 5:0102-0110, "...selecting the queue...")

selecting an error introduced while fixing another error; (Col 5:0102-0110, "...selecting the queue...")

selecting performance deficiency; (Col 5:0102-0110, "...selecting the queue...")

and selecting pointer/indexing error. (Col 5:0102-0110, "...selecting the queue...")

***Response to Arguments***

5. Applicant's arguments filed on December 30, 2005 have been fully considered but they are not persuasive. Following is the Examiner's response to Applicants' arguments.

With respect to claims 1,8, and 17, Applicant essentially argues that Carter-Kelbaugh combination et al. does not anticipate the features of this claim because Kelbaugh et al. does not teach or suggest performing a committee review of the database record of potential defects by the author, moderator and review team members to evaluate identified potential defects for acceptance or rejection.

In response, the Examiner notes Col 4:0095-0099, Kelbaugh defines the process in which a tester accesses the bug tracking system which consists of the master bug log. Kelbaugh also teaches that the master bug log is a database that includes a list of every bug that has been published for every game developer. In addition, Kelbaugh also suggests that the project coordinator will review the bug queue and decide to publish the bug queue so the developers or authors can view the listing of bugs. Kelbaugh also discloses that the tester can use the comments section for identifying an potential aspect that may not be considered a bug, but the comments section may be helpful to the game developers, and the project coordinator in making a determination as to whether to modify a game or not based on the acceptance or rejection of the potential

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bug. Thus, Kelbaugh does disclose performing a committee review of the database record of potential defects by the author, moderator and review team members to evaluate identified potential defects for acceptance or rejection.

With respect to claims 1,8, and 17, Applicant argues that the Examiner has not provided motivation or suggestion to modify or combine Carter with Kelbaugh.

In response, the Examiner disagrees, notes Kelbaugh Col 1:0007-0008, it is here that Kelbaugh states clearly that the motivation would be to provide a twenty-four hour a day, seven days a week, communication capability between game testers, project coordinators, game developers and others that are deeply involved in the testing and debugging process of application programs.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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